



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 4, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR96-2026

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102146.

The Texas Department of Public Safety (the "department") received an open records request for "all compliance reviews, audits and there [sic] findings conducted by Trooper Caroline Knauth." You explain that the requested records were created during the course of inspections, authorized by article 6675d, V.T.C.S., of motor carriers' premises and records for compliance with state and federal laws relating to commercial motor vehicle safety. You further explain that if violations are found, the department may proceed with criminal, civil, or administrative penalties. Accordingly, you seek to withhold the requested records pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue clearly come within the purview of section 552.108, we conclude that the requested information may be withheld under this section.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

¹Because we resolve your request under section 552.108, we need not address the applicability of section 552.103 of the Government Code.

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/ch

Ref.: ID# 102146

Enclosures: Submitted documents

cc: Mr. Jim Schwertner
Capitol Land & Livestock Trucks, Inc.
P.O. Box 1
Schwertner, Texas 76573
(w/o enclosures)